IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5756 OF 2005

Appasaheb Vilas Jadhav. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Shri Pratap Patil for the Applicant.

Ms.Rajashree Gadhvi, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 13th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. The offence registered against the Applicant is under section 498A, 306 of the Indian Penal Code. The Applicant is the husband of the deceased. The marriage between the Applicant and the deceased was solemnized about 2-1/2 years prior to the date of incident. The Advocate for the Applicant submitted that brother of the deceased initially filed a missing complaint. On 28th January 2005 the brother of the deceased filed a complaint after dead body of the deceased was discovered. In the said complaint no allegations have been made against the Applicant and on the same day at about 7.30 p.m. the brother of the deceased has chosen to make allegations implicating the Applicant. He submitted that there are no specific allegations regarding the demand for a particular amount or particular object and hence the Applicant is entitled

to be enlarged on bail.

2. The learned A.P.P. has placed on record the relevant material collected during the investigation.

3. I have considered the submissions. Apart from the first informant, statement of the father of the deceased has been immediately recorded by the Police in which there is a reference to the two incidents of January 2005. The dead body of the deceased was found on 28th January 2005. It is alleged that on 2nd January 2005 there was a demand made by the Applicant for a gold chain. It is alleged that on 27th January 2005 there was altercation between the Applicant and the deceased. Considering the fact that section 306 of the IPC has been applied, in my view, no case is made out for grant of bail. Hence the Application is rejected. Liberty to apply for expeditious conclusion of trial.

Judge.